

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1663**

Omar Auquil Muhammad, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed August 10, 2026
Affirmed
Larson, Judge**

Washington County District Court
File No. 82-CR-17-2274

Zachary A. Longsdorf, Longsdorf Law Firm, PLC, Inver Grove Heights, Minnesota (for appellant)

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Kevin Magnuson, Washington County Attorney, Nicholas A. Hydukovich, Assistant County Attorney, Stillwater, Minnesota (for respondent)

Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Omar Auquil Muhammad appeals the district court's decision to deny his Minn. R. Crim. P. 27.03 motion to correct his sentence. Because we conclude the district

court did not abuse its discretion when it determined his sentence was authorized by law, we affirm.

FACTS

The following facts were elicited at a jury trial. C.M. (victim) graduated with a high-school equivalency when she was 21 years old after completing a special-education program. Victim lived with her parents until she was around 37 years old. In 2017, victim was 42 years old and lived alone in a townhome.

That year, Muhammad and victim both worked at a nearby grocery store. The two began a romantic relationship, and Muhammad moved into victim's townhome. During the time they lived together, Muhammad and victim had sexual intercourse. At some point, victim told Muhammad that she no longer wanted to have sexual intercourse with him. Muhammad would push, kick, hit, and lay on victim to force her to have vaginal intercourse with and perform fellatio on him. In May 2017, while at work, victim's manager noticed bruising on victim's arm and called 911. The responding officer observed and documented multiple bruises on victim's arms, chest, and back.

Respondent State of Minnesota charged Muhammad with first-degree criminal sexual conduct under Minn. Stat. § 609.342, subd. 1(e) (2016) (penetration – personal injury – force or coercion). The jury found Muhammad guilty. Following a *Blakely* trial,¹ the jury found the existence of three aggravating factors: particular

¹ When departing from the presumptive sentence, “[a] defendant has the right to a jury trial to determine whether aggravating factors are proved beyond a reasonable doubt.” Minn. Sent’g Guidelines cmt. 2.D.102 (2016); *see also Blakely v. Washington*, 542 U.S. 296, 301 (2004) (stating that any fact, other than a prior conviction, that supports a departure above

vulnerability, particular cruelty, and multiple forms of penetration. The district court relied on the jury’s *Blakely* findings and sentenced Muhammad to 312 months in prison, an upward durational departure.

On direct appeal, Muhammad challenged his conviction and sentence. *See State v. Muhammad*, No. A18-0933, 2019 WL 2332556, *1 (Minn. App. June 3, 2019), *rev. denied* (Minn. Aug. 20, 2019). As relevant here, Muhammad argued the jury’s findings were inadequate to support particular vulnerability and particular cruelty and that the district court did not follow the proper procedure for imposing an upward durational departure. *Id.* at *5. We concluded the jury’s findings were adequate to support particular cruelty but not particular vulnerability. *Id.* at *5-6. Nonetheless, we affirmed Muhammad’s sentence because the district court properly relied on two aggravating factors that independently justified the upward departure—particular cruelty and multiple forms of penetration. *Id.* at *7.

In June 2025, Muhammad moved to correct his sentence under rule 27.03. Muhammad argued the district court improperly relied on the particular-cruelty and multiple-forms-of-penetration aggravating factors because “the facts allegedly supporting those aggravating factors are elements of the offense.” The district court construed the motion as a petition for postconviction relief and concluded: (1) the petition was untimely and *Knaffla* barred and (2) even if the district court reviewed the issue, the sentence was authorized by law.

the prescribed statutory maximum “must be submitted to a jury, and proved beyond a reasonable doubt” (quotation omitted)).

Muhammad appeals.

DECISION

Muhammad raises two arguments on appeal.² First, he argues the district court improperly construed his motion as a postconviction petition. Second, he asserts the district court abused its discretion when it decided that his sentence was authorized by law. Assuming without deciding that the district court improperly construed Muhammad's motion as a postconviction petition, we conclude the district court did not abuse its discretion when it determined his sentence was authorized by law. *See State v. Gutierrez*, 667 N.W.2d 426, 439 (Minn. 2003) (declining to address other issues due to resolution of a dispositive issue); *see also Reynolds v. State*, 888 N.W.2d 125, 133 (Minn. 2016) (concluding it is improper to construe a rule 27.03 motion as a postconviction petition when the challenge is to an unauthorized sentence).

We review a district court's decision to deny a rule 27.03 motion for an abuse of discretion. *State v. Amundson*, 828 N.W.2d 747, 752 (Minn. App. 2013). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against

² Muhammad also asserts that the district court erred when it concluded the law-of-the-case doctrine barred his argument. The law-of-the-case doctrine provides that "when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case." *Townsend v. State*, 3 N.W.3d 13, 16 (Minn. 2024) (quotation omitted). The doctrine "bars relitigating an issue resolved earlier in the same case, even if the issue presented is not precisely the same in all its details." *Id.* We agree with Muhammad that his argument was not barred by the law of the case. While his direct appeal related to the factual support for the aggravating factors, Muhammad did not make the specific legal challenge he raises here. Accordingly, while Muhammad's direct appeal informs our decision, the district court improperly denied his motion on this basis.

logic and the facts in the record.” *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019) (quotation omitted).

Under rule 27.03, “[t]he court may at any time correct a sentence not authorized by law.” Minn. R. Crim. P. 27.03, subd. 9. A sentence is unauthorized if it is “contrary to law or applicable statutes.” *Riley v. State*, 26 N.W.3d 594, 602 (Minn. 2025) (quotations omitted). The sentence must have been unauthorized “at the time it was imposed.” *State v. Meger*, 901 N.W.2d 418, 425 (Minn. 2017) (quoting *Reynolds*, 888 N.W.2d at 133). “The defendant bears the burden of proving the facts necessary to show that a sentence was unauthorized.” *Hannon v. State*, 957 N.W.2d 425, 432 (Minn. 2021).

Muhammad challenges the district court’s decision to impose an upward durational departure. A district court can depart from a presumptive sentence under the Minnesota Sentencing Guidelines only if the record presents “[s]ubstantial and compelling circumstances.” *State v. McIntosh*, 641 N.W.2d 3, 8 (Minn. 2002). Circumstances are substantial and compelling when they show “that the defendant’s conduct was significantly more or less serious than that typically involved in the commission of the offense in question.” *State v. Edwards*, 774 N.W.2d 596, 601 (Minn. 2009). The Minnesota Sentencing Guidelines provide a “nonexclusive list” of aggravating factors that a district court may use to durationally depart from a presumptive sentence. Minn. Sent’g Guidelines 2.D.3.b (2016). Here, the district court relied on particular cruelty and multiple forms of penetration as aggravating factors, which are both established factors to support

an upward departure.³ See Minn. Sent’g Guidelines 2.D.3.b(2) (listing “particular cruelty” as a permissible aggravating factor); *Adell*, 755 N.W.2d at 774 (providing “multiple forms of penetration is a valid aggravating factor”).

Muhammad argues the district court imposed an unauthorized sentence because both reasons for the upward departure were necessarily elements of his offenses. We review this issue de novo. *Dillon v. State*, 781 N.W.2d 588, 595 (Minn. App. 2010), *rev. denied* (Minn. July 20, 2010). A district court may impose an upward durational departure if the evidence shows that the defendant committed the offense “in a particularly serious way.” *Ture v. State*, 353 N.W.2d 518, 525 (Minn. 1984). But the district court cannot impose an upward departure if the sentence will punish a defendant twice for the same conduct. See *State v. Osborne*, 715 N.W.2d 436, 446 (Minn. 2006). Accordingly, a “district court may not base an upward departure on facts necessary to prove elements of the offense being sentenced.” *Edwards*, 774 N.W.2d at 602; *see also State v. Blanche*, 696 N.W.2d 351, 378-79 (Minn. 2005) (“The reasons used for departing must not themselves be elements of the underlying crime.”).

As applicable here, first-degree criminal sexual conduct has four elements: “(1) the intentional act of sexual penetration, (2) without the consent of the complainant, (3) causing personal injury to the complainant, and (4) through the use of force or coercion.” *State v.*

³ Muhammad’s reliance on *State v. Thao* is misplaced because it involved whether an unrecognized aggravating factor and other predicate facts justified a departure. See 649 N.W.2d 414 (Minn. 2002). Here, both aggravating factors are well established bases for an upward durational departure. See Minn. Sent’g Guidelines 2.D.3.b(2) (2016); *State v. Adell*, 755 N.W.2d 767, 774-75 (Minn. App. 2008), *rev. denied* (Minn. Nov. 25, 2008).

Epps, 949 N.W.2d 474, 482 (Minn. App. 2020), *aff'd*, 964 N.W.2d 419 (Minn. 2021); *see also* Minn. Stat. § 609.342, subd. 1(e). Muhammad contends that because the jury necessarily concluded that he penetrated victim and caused victim personal injury, the district court based the particular cruelty and multiple forms of penetration aggravating factors upon the same facts necessary to prove the offense. We are not persuaded.

“Personal injury” means “bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish or pregnancy.” Minn. Stat. § 609.341, subd. 8 (2016). “Bodily harm” includes “physical pain or injury, illness, or any impairment of physical condition.” Minn. Stat. § 609.02, subd. 7 (2016). The supreme court has concluded that a “*minimal* amount of physical pain or injury” satisfies the “bodily harm” definition. *State v. Jarvis*, 665 N.W.2d 518, 522 (Minn. 2003) (emphasis added). By contrast, “particular cruelty involves the *gratuitous* infliction of pain and cruelty of a kind not usually associated with the commission of the offense in question,” *State v. Rourke*, 773 N.W.2d 913, 922 (Minn. 2009) (quotations omitted), and has been applied in first-degree criminal-sexual-conduct cases related to bodily harm, *see, e.g., State v. Yaritz*, 791 N.W.2d 138, 144-45 (Minn. App. 2010), *rev. denied* (Minn. Feb. 23, 2011); *State v. Grampre*, 766 N.W.2d 347, 350-52 (Minn. App. 2009), *rev. denied* (Minn. Aug. 26, 2009). The special verdict form shows that the jury found beyond a reasonable doubt that Muhammad inflicted more injury than necessary, caused multiple bruises, and punched and kicked victim multiple times. And we already concluded in Muhammad’s direct appeal that the jury’s findings were adequate to support the departure because Muhammad inflicted “more injury than necessary” to

satisfy the elements of first-degree criminal sexual conduct. *See Muhammad*, 2019 WL 2332556, at *5 (quoting *State v. Jeno*, 352 N.W.2d 82, 85 (Minn. App. 1984)).

As for multiple forms of penetration, the supreme court has repeatedly affirmed that this aggravating factor is appropriate to consider when sentencing a defendant for a first-degree criminal-sexual-conduct conviction. *See, e.g., State v. Barthman*, 938 N.W.2d 257, 270-71 (Minn. 2020); *Kilcoyne v. State*, 344 N.W.2d 394, 397-98 (Minn. 1984); *State v. Martinez*, 319 N.W.2d 699, 700-01 (Minn. 1982); *see also Adell*, 755 N.W.2d at 774. Here, the jury found Muhammad penetrated victim's vagina and her mouth multiple times with his penis. The record, thus, supports the district court's determination that the offense involved facts not necessarily proved for the underlying offense, which required only one form of sexual penetration.

For these reasons, the district court appropriately denied Muhammad's rule 27.03 motion on the basis that his sentence was authorized by law.

Affirmed.